



County of Los Angeles
CHIEF EXECUTIVE OFFICE

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WILLIAM T FUJIOKA
Chief Executive Officer

November 2, 2010

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Second District

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Third District

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To: Supervisor Gloria Molina, Chair
Supervisor Mark Ridley-Thomas
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

SACRAMENTO UPDATE - COUNTY-SPONSORED LEGISLATION

The purpose of this memorandum is to report on County-sponsored legislation, which the Sacramento advocates will pursue in the first year of the 2011-12 Legislative Session.

There are five County proposals which are consistent with prior sponsorship of similar legislation, Board actions and approved policy. Two proposals are initiatives continued from the 2009-10 Legislative Session, one is as a result of a Board motion, and two new proposals requested by departments and recommended by this office. As other legislative priorities emerge based on Board motions, departmental requests, or events in Sacramento, we will advise you and pursue as necessary.

County-Sponsored Legislation Continued from 2010

Special Vacancy Election Reimbursement (Board Action - May 26, 2009)

We will pursue County-sponsored legislation to secure ongoing and timely reimbursement of costs associated with conducting special vacancy elections for State legislative and Congressional seats.

Elections to fill State legislative and Congressional vacancies result in considerable General Fund expenditures to the County. These unscheduled elections cannot be anticipated to factor costs in budget planning and result in fiscal constraints for the County. The lack of timely and adequate reimbursement for election costs forces the

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County to divert funds from other programs to cover the costs for those special elections.

Over the past ten years, the County has conducted elections to fill ten vacancies in State legislative or Congressional offices at a cost of more than \$12.2 million. State reimbursement for these costs totaled \$4.3 million resulting in a cost to the County of \$7.9 million. As a result, on May 26, 2009, your Board adopted a motion directing the Sacramento advocates to pursue legislation to secure full reimbursement of costs associated with conducting special vacancy elections.

In 2010, the County sponsored SB 994 (Price) and AB 496 (Davis), which would have reimbursed counties for costs incurred to conduct special vacancy elections. However, both measures failed passage because of concerns about increased costs to the State.

Enhanced Homeowner Notification Program (Board Action – December 15, 2009)

We will pursue County-sponsored legislation to enhance the County's existing Homeowner Notification Program to authorize the County to: 1) notify homeowners and renters subject to notices of default or sale; 2) collect a fee for notification upon the recording of a notice of default or sale; and 3) use a portion of the recording fee to provide information, counseling, or assistance to a person who receives the notice. On December 15, 2009, your Board adopted recommended changes to the County's State Legislative Agenda, which included a directive to pursue this proposal.

In 2010, the County sponsored SB 878 (Liu), which would have authorized the enhancement of the existing Homeowner Notification Program; however, the measure was vetoed by the Governor on July 15, 2010. Therefore, the County will pursue legislation in the 2011-12 Legislative Session to enhance the County's existing Homeowner Notification Program.

Board Motions to Pursue County-Sponsored Legislation

Qualifications for Public Defender (Board Action – August 10, 2010)

We will pursue County-sponsored legislation to amend Government Code Section 27701 which restricts the position of Public Defender to a person who has been a practicing attorney for at least the year preceding the date of his election or appointment, pursuant to an August 10, 2010 Board-approved motion.

The proposed legislation will allow counties to consider persons such as judges, commissioners, magistrates, referees, elected officials or recently retired attorneys who

possess litigation experience to be considered for the position of Public Defender but have not practiced law within the last year preceding the date of election or appointment.

New Recommendations for County-Sponsored Legislation

Open Juvenile Court Dependency Hearings (Requested by the Department of Children and Family Services)

We will pursue County-sponsored legislation to establish a three-year pilot project to allow members of the public to be admitted to juvenile dependency court hearings. This pilot would allow hearings to be closed if the court determines it is in the best interest of the child who is before the court as a witness or party, and would also require that a report be submitted at the conclusion of the pilot project to the Judicial Council and the California Department of Social Services evaluating the impact of open court hearings.

According to the Department of Children and Family Services (DCFS), the closed court system in California provides very limited information about the workings of the child welfare system. DCFS indicates that opening court hearings to the public offers an opportunity to provide a better understanding of child protection services, system enhancements and improve community partnerships essential to the mission of child protection. Furthermore, an open court system would present an opportunity for stakeholders to engage and support families during their court appearances, and would help to hold the courts and the legal and child welfare systems accountable to a higher standard of practice. To protect children when testifying in sensitive matters, the court and/or attorneys would have the option to request that the hearing be closed if it serves in the child's best interest. Further protections would consist of court orders which forbid the disclosure of confidential information, such as a child or parent's name, address and date of birth.

This proposed legislation is consistent with County-sponsored SB 1391 of 2000 and AB 2627 of 2004, which attempted to open juvenile dependency court hearings. However, both bills failed passage primarily due to concerns that open court hearings would conflict with Federal confidentiality requirements and would place the State at risk of losing Federal funding. In 2006, provisions of Title IV-B and Title IV-E of the Social Security Act were amended to clarify that states could open dependency court hearings without the risk of losing Federal funds. Currently, there are 33 states that have some form of open dependency court proceedings.

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Change Orders on County Road Contracts (Requested by the Department of Public Works)

We will pursue County-sponsored legislation to increase the upper limit amount a board of supervisors may delegate to a county road commissioner or other county officer to order changes or additions in the work being performed under county road contracts from \$150,000 to \$210,000. This proposal is consistent with Board policy to streamline and improve administrative operations and processes (e.g., contracting, procurement, and capital projects/space management) to increase effectiveness, enhance customer service, and support responsive County operations. This proposal is also consistent with County-sponsorship of four legislative proposals included in the 2010 Senate Local Government Omnibus Bill, SB 894 (Chapter 669, Statutes of 2010) that increased the maximum amount a board of supervisors can delegate change orders from \$150,000 to \$210,000 for county flood, waterworks, bridge and building projects.

Existing law allows a board of supervisors to delegate change order authority to the county road commissioner or a registered civil engineer under the direction of the county director of transportation for county highways but limits the amount of changes or additions in work that may be approved by a county engineer or county officer to \$150,000. The proposed legislation would raise this limit to \$210,000. This increase is based on a Consumer Price Index adjustment of the current \$150,000 limit from 1997, the date of the last increase, to present. By adjusting the maximum limit to \$210,000, the proposed legislation will adjust the maximum authority to compensate for 13 years of erosion due to inflation.

The Department of Public Works (DPW) indicates that each year the Board of Supervisors approves the award of numerous county road contracts, each of which require associated changes or additions in work to be submitted to the Board for approval. This process is time and resource consuming and, if delayed, may result in additional contract costs. DPW indicates that the programmatic impact of the proposed legislation is fewer changes or additions in the work being submitted to the Board of Supervisors for approval, potential long-term cost savings due to reduced staff time for processing Board letters, and avoidance of potential contract costs and impacts to the public resulting from delays in completion of construction.

We will continue to keep you advised.

WTF:RA
MR:RM:IGEA:lm

c: All Department Heads
Legislative Strategist